

**MINUTES
MIGRANT AND SEASONAL FARMWORKERS BOARD MEETING**

October 18, 2006

The Migrant and Seasonal Farmworkers Board Meeting was held at the Sheraton West Hotel in Richmond, Virginia.

The following Board Members were present: Kenneth Annis, Chairman; Veronica Donahue; Richard Hall, Hart Hudson, Christian Schweiger, J. M. Scott, and Peter Von der Lippe. The following Board Members were absent: Mario Moreno, Vice-Chairman; Elisia Almendarez-Moore; Dannah Card, Tupper Dorsey, Thomas Kellum, Adrian Reddington, Kelly Robinson, and Sharon Saldarriaga. Staff in attendance from the Virginia Employment Commission were: Dolores Esser, Nicholas Kessler, Carol Young, Joyce Fogg, Jack Turner, Michelle Abraham, and Evelyn Lewis. The following speakers and guests were present: Sharon K. Brown, Department of Motor Vehicles; Ron Thompson, Department of Motor Vehicles; and Ronald Ravensbergen, Virginia Department of State Police.

Call to Order

Chairman Kenneth Annis called the meeting to order at 10:10 a.m.

Welcome and Introduction

Chairman Annis thanked Commissioner Esser and staff for setting up the meeting, and extended greetings to the guests, board members, and all those present.

Approval of Agenda

Chairman Annis moved that the agenda be approved. It was approved by unanimous vote.

Approval of Minutes

Chairman Annis moved that the minutes of the August 23, 2006 meeting be approved. The minutes were approved by a unanimous vote.

Identification Requirements of Virginia State Police

Sharon K. Brown, Deputy Director of the Driver Licensing Division with the Department of Motor Vehicles (DMV), thanked the MSFW Board for inviting her to speak on the identification requirements to obtain a Virginia driver's license.

She distributed a handout titled "Acceptable Documents for Obtaining a Driver's License or Photo Identification Card." To apply for a driver's license, learner's permit, commercial driver's

license (CDL), or photo identification (ID) card, the person must bring two identification documents, one proof of legal presence, and one proof of Virginia residency.

Documents submitted as primary proof of identity must show the full legal name and date of birth. Nicknames will not be accepted. At least one document from the primary list of documents must be presented. The second proof of identity may come from either the primary list or the secondary list. If two of the proofs of identity are issued by the same entity, such as the same state agency, DMV may require additional proof of identity documents. Individuals under the age of 19 are required to provide only one proof of identity from the primary list.

Temporary documents and photocopies of documents will not be accepted. All documents must be originals. All documents will be subject to verification, which may delay the issuance of the license, learner's permit, or photo identification card.

DMV may require additional documents. DMV may not accept a document when there is a reason to believe it has been altered, fraudulently obtained, or is fake, forged, counterfeit or otherwise non-genuine or illegitimate.

Falsifying information on an application for a driver's license, learner's permit, CDL, CDL learner's permit, or ID card is a criminal offense. Assisting a person with improperly or fraudulently obtaining a driver's license, learner's permit, CDL, CDL learner's permit, or ID card are also criminal offenses. Altering, manufacturing, selling or possessing a fraudulent birth certificate, driver's license, or ID card is a criminal offense.

Identification Requirements of Virginia State Police

Ronald Ravensbergen, Senior Trooper with the Virginia Department of State Police, provided an overview of the identification requirements of the Virginia State Police. He also distributed safety-tip handouts that were printed in English and Spanish.

As a trooper, he has seen an increase in the Latino population over the last eight and a half to nine years. The Virginia State Police does not enforce immigration laws unless the person they are dealing with is wanted. This is determined by the National Crime Information Center of Virginia Criminal Information Network (NCICVCIN) System. If there is a positive response to the information entered, then the person is arrested and processed.

Identifications are extremely important. Migrants must have a valid driver's license, social security card, and/or a green card. The real frustration for the troopers in the law enforcement community is dealing with Latinos without identification. It is very programmatic for law enforcement troopers because they want to know with whom they are dealing. Routinely, if they make a traffic stop, the individual will provide their driver's license and vehicle registration; the information is entered into the NCICVCIN System and a response is received back on the information entered; therefore, the troopers know with whom they are dealing. It is difficult to know who they are dealing with if there is no identification. In a traffic stop, if it is determined that identification documents are not valid, the documents will be confiscated. In cases where a migrant has a valid driver's license from their country, it is valid for six months in the United States. After six months, it becomes a residency issue.

Presently, only a small quantity of troopers can communicate fluently in Spanish. There is a 2.5-day training session being conducted to teach other officers Spanish, which will help to bridge the gap between the law enforcement community and the migrant population.

Biennial Report

Jack Turner of the Virginia Employment Commission gave an update on the Biennial Report. He stated that the Biennial Report is mandated by the Code of Virginia to be submitted once every two years for the Migrant Board and the Inter-Agency Policy Committee. It has been submitted to the Secretary of the Commonwealth and is also located on the VEC website at www.VaEmploy.Com.

Copies of the Biennial Report were distributed to the Board members for their perusal.

Old Business

Joyce Fogg of the Virginia Employment Commission reported that in the Code of Virginia the MSFW Board is made up of 15 members and that a quorum is the majority. In the By-Laws that were last reviewed in 1994, it states that five members of the Board represent a quorum. The Code supersedes the By-Laws; therefore, a majority is needed to vote on any issue. In the future there must be a majority of at least eight members present to vote on an issue.

Commissioner Esser stated that part of the issue is that there are members that have not and are not attending the meetings. This has been reported to the Secretary of the Commonwealth asking that these members be replaced. Technically, these members have not resigned; therefore, it puts the Board in a quandary because these non-attendant members still hold a seat on the Board.

Mrs. Fogg suggested that a letter be sent from the Chair to the Board members who have missed a number of meetings encouraging them to attend, and if they cannot make that commitment then they should consider resigning from the Board. It was concurred by Chairman Annis, all the Board members that were present, and Commissioner Esser that a letter will be drafted from Chairman Annis to non-attendance Board members.

New Business

Mrs. Fogg asked that the Board members inform her of any topics of interest they would like to have on future meeting agendas. Chairman Annis concurred.

Mr. Hudson stated that he would like to have a representative from the local police department come and speak to the Board. Mrs. Fogg stated that a request had been made at a previous meeting to have a representative from the Commonwealth's Attorneys' Services Council attend a meeting and give a presentation. Mrs. Fogg had been unsuccessful in making contact with the Commonwealth's Attorneys' Services Council, but she would try again.

Mr. Scott stated that there are seven Migrant Councils and if we could have a different Council attend each meeting and give a presentation, in two years, the MSFW Board would have heard from them all. Commissioner Esser stated that the VEC has reached out to the Councils and

invited them to the MSFW Board meetings, but the Councils are not sending a representative. They have also ceased sending in Council Meetings minutes for distribution to the Board. Mrs. Fogg will contact all of the Council members via email to request that they resume sending in their minutes for distribution to the Board. As the minutes are received, they will be distributed to the Board via email.

Items of Interest from Commissioner Dolores Esser

Commissioner Esser gave a follow-up briefing on the lawsuit discussion from North Carolina and Virginia Agricultural Growers Association. She was not able to make contact with the Secretary of Agriculture, but VEC staff successfully provided her with documentation from North Carolina that stated that several different lawsuits were involved. The lawsuits had been settled monetarily.

In following up on the VEC taking lead for the MSFW Board's writing letters to legislators and the congressional delegation, advocating on certain federal legislation or bills from the previous General Assembly Session that were carried over, Ms. Esser and VEC Deputy Commissioner Nick Kessler met with the Secretary of Commerce and Trade, Patrick Gottschalk. As a state agency, the VEC cannot write letters urging action or recommendations on legislation or policy areas.

In reference to the next Board meeting, last year the Board met during the General Assembly Session at crossover in February. Commissioner Esser inquired whether the Board would like to have the next meeting during the same time period of the upcoming Session. There was a consensus to have the next MSFW Board meeting in January or early February around crossover. Dates would be polled and the next Board meeting announcement would be sent to the Board via email.

Items of Interest from Board Members

Mr. Hudson stated that the Board members should be cognizant of Congress coming out with a new Guest Worker Program.

Public Comments

None to report.

Adjournment

Chairman Annis thanked the meeting presenters and the attendees. There being no further business, a motion was made by Chairman Annis to adjourn. It was seconded, and passed unanimously. The meeting adjourned at 12:15 p.m.

Upon adjournment, the MSFW Board proceeded on a tour of Dodd's Acres Farm.